

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS LARSON,

Plaintiff,

v.

Case No. 18-10857
Hon. Denise Page Hood

MICHIGAN DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION**

This matter comes before the Court on Magistrate Judge Elizabeth A. Stafford's Report and Recommendation. [Dkt. No. 17]

Pro se Plaintiff Thomas Larson filed this action pursuant to 42 U.S.C. § 1983 against Defendants Michigan Department of Corrections ("MDOC"), Corizon Corporation, and a number of individual defendants. On June 5, 2018, all Defendants except the MDOC were dismissed. [Dkt. No. 7] On August 8, 2018, the MDOC filed a Motion for Summary Judgment. [Dkt. No. 10], to which Plaintiff responded.

The Magistrate Judge recommends that the Court grant the MDOC's Motion for Summary Judgment. The Magistrate Judge concluded that: (1) Plaintiff's allegation of failure to properly treat his medical conditions is not cognizable under

Title II of the Americans with Disabilities Act (“ADA”), (2) Plaintiff does not sufficiently identify any necessary treatment as being withheld, such that he could establish a violation of his Eighth Amendment rights arising from conditions of his confinement, and (3) Plaintiff has failed to state a claim for retaliation under Article V of the ADA.

No objections to the Report and Recommendation were filed by either party, but on February 14, 2019, Plaintiff filed a document titled “Motion to Dismiss this Case in its Entirety.” [Dkt. No. 18] The title “Motion to Dismiss this Case in its Entirety” is the sum of the document; it does not contain any text or argument in support of its title.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge’s Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party’s failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Docket No. 17, filed February 3, 2019] is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that the MDOC's Motion for Summary Judgment [Docket No. 10, filed August 8, 2018] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss [Dkt. NO. 18, filed February 14, 2019] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

IT IS ORDERED.

DATED: March 27, 2019

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge